

Appendix I - Oil and Gas Leasing Stipulations

This appendix contains the resource protection stipulations that will be attached to the lease as proposed in the Revised Forest Plan. The stipulations are designed to protect important surface resource values and uses and will be applied to specific lands on the Chugach National Forest. This appendix will also briefly discuss some of the standard types of mitigation that are used at the time of application for permit to drill (APD). These standard types of mitigation are called conditions of approval.

Standard lease terms, stipulations and conditions of approval will be applied to all ground-disturbing activities occurring within a lease parcel. These activities include, but are not limited to, prospecting, exploration drilling and production.

Standard Lease Terms

Standard lease terms apply to all leases. They are attached to Bureau of Land Management (BLM) form 3100-11, "Offer to Lease and Lease for Oil and Gas." Section 6 of this form requires that the "Lessee shall conduct operations in a manner that minimizes adverse impacts to the land, air and water, to cultural, biological, visual, and other resources, and to other land uses or users."

Standard lease terms are commonly considered to be adequate to mitigate most adverse environmental impacts (40 CFR Part 1505.2 (c) and Part 1508.20). The standard lease terms also apply all nondiscretionary statutes and reasonable measures required by the Authorizing Officer to minimize adverse impacts to other resources and users.

Under standard lease terms, mitigation may include moving the site of proposed developments, restricting the timing of operations, facility design changes, and interim and final reclamation efforts. Many other protection measures can be applied and negotiated under standard terms. It must be demonstrated that standard lease terms are insufficient in order to apply supplemental stipulations.

Supplemental Stipulations

When there are resource values, uses or user conflicts that cannot be managed or accommodated by the standard lease terms, a lease stipulation may be necessary. The leasing analysis must show that less restrictive stipulations were considered and determined to be insufficient. Stipulations may be applied to all, or part, of a lease parcel as required for resource protection. The leasing analysis will display the need for lease stipulations and establish guidelines for granting waivers, exceptions or modifications. Substantial modification or waiver after lease issuance is subject to public review for at least a 30-day period, in accordance with Section 5120.f of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.

Stipulations may be necessary if the authority to control the activity on the lease does not already exist under laws, regulations or orders. It is important to recognize that the Authorized Forest Officer can modify the siting and design of facilities, control the rate of development and timing of activities and require other mitigation under Sections 2 and 6 of the standard lease terms (BLM Form 3100-11) and 43 CFR 3101.1-2.

The following guidance is provided in order to assist in the determination of needed stipulations. They are displayed from the most to the least restrictive.

The **No Surface Occupancy** (NSO) stipulation is the most restrictive stipulation available and is intended for use only when standard lease terms and other less restrictive stipulations are determined insufficient to adequately protect the public interest. The analysis record must show that a no-lease alternative was considered before the NSO stipulation is applied.

The **Timing Limitation** (often called seasonal) stipulation requires yearlong fluid mineral exploration and development activities. When using this stipulation, date(s) and location(s) are as specific as possible. A timing stipulation is not necessary if the time limitation involves the prohibition of new surface-disturbing operations for periods of less than 60 days (43 CFR 3101.1-2).

The **Controlled Surface Use** (CSU) stipulation is used when oil and gas activities are allowed on all, or portions, of the lease area year-round but must be strictly controlled because of special values or resource concerns. The CSU stipulation is used to identify constraints on surface use or operations that might otherwise exceed the mitigation provided by Section 6 of the standard lease terms and the regulations and operating orders. The CSU stipulation is less restrictive than the NSO or Timing Limitation stipulations. The CSU stipulation should not be used in lieu of an NSO or Timing Limitation stipulation but should be limited to areas where restrictions or controls are necessary for specific, rather than all, activity. The CSU stipulation should explicitly describe what activity is to be restricted or controlled or what operation constraints are required. The CSU stipulation must also identify the applicable area and the reason for the requirement. Stipulations for Use on the Forest

Stipulation Justification

The interdisciplinary team has determined stipulations described in Table I-1, on the next page. The justification for use of the stipulations is disclosed in the following section along with conditions that may warrant a waiver, exception or modification (WEM) of the stipulation.

The stipulation map found in the map package accompanying the Revised Forest Plan and FEIS displays the locations where leasing stipulations will apply. Maps indicating site-specific stipulations and the reason for applying the stipulations are found in the planning record at the Chugach National Forest Supervisor's Office in Anchorage, Alaska.

Table I-1: Stipulations in areas with resource sensitivity.

Stipulation	Area/Resource to be Protected
NSO Stipulation	High Erosion Hazard Soils High Geologic Hazard Slopes over 75% Eligible Wild and Scenic River Developed Recreation Sites
CSU/Timing Stipulation	Wildlife Critical Habitat
Timing Stipulation	Wildlife Critical Habitat Known Active Raptor Nests
CSU Stipulation	Slopes 56-75% Erosive and Hydric (wet) Soils Alpine Environments Salmonid Habitat
Lease Notices	Special-Uses Threatened and Endangered Species Vegetation (active/planned timber sales)
Standard Lease Terms	Air Heritage Resources Vegetation Special-Uses

Resource: Soils/Slopes

Stipulation: NSO for areas with slopes 75 percent or greater and high erosion or geological hazard.

Zones Found: None

Justification: This stipulation is needed for the basic protection of soil and water resources. Soil disturbance necessary for well pad development in these locations is very difficult to reclaim and results in unacceptable soil loss. This disturbance may also adversely affect slope stability and increase the potential for mass movements.

The less restrictive stipulations of CSU and timing are not applicable. The CSU stipulation is for operational guidance; use and occupancy is allowed. The timing stipulation prohibits use during specified time periods. In this case, the protection is required year-round and is only achieved with NSO.

Application Methodology: Forest GIS Slope coverage with greater than 75 percent slopes selected was used to identify these areas, but none were found. Applying this stipulation to specific lands is very basic, using quad maps, aerial photos and field verification. It is one of the first criteria looked at when processing a lease. Rarely will an entire lease be NSO for soil/slope concerns. The resource quad maps could be used for locating soils and slope NSO stipulations where they exist in areas over 40 acres. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Conditions for WEMs: Waivers, exceptions or modifications would rarely be granted in these situations, as steep slopes are a fixed condition over the life of a lease. In the event that too broad an area was stipulated and the operator found an acceptable location of less than 75 percent at the APD stage, an exception would be feasible.

Resource: Glaciers and Ice fields

Stipulation: NSO for areas with high geological hazards.

Zones Found: 3

Justification: This stipulation is needed because of the high geologic hazards represented by glaciers and ice fields. Slopes within these areas are 56 to 75 percent.

The less restrictive stipulations of CSU and timing are not applicable. The CSU stipulation is for operational guidance; use and occupancy is allowed. The timing stipulation prohibits use during specified time periods. In this case, the protection is required year-round and is only achieved with NSO.

Application Methodology: Forest GIS Landform coverage with glaciers and ice fields (0) selected was used to identify the alpine areas. The map is available in the planning record. Applying this stipulation to specific lands is very basic, using quad maps, aerial photos and field verification. It is one of the first criteria looked at when processing a lease. Rarely will an entire lease be NSO for geologic hazard concerns. The GIS Oil and Gas Stipulations maps in the planning record will be used for locating geologic hazard NSO stipulations where they exist in areas over 40 acres. Where these criteria exist in areas less than 40 acres, standard lease terms will provide the Forest Service with the authority needed to prohibit surface occupancy on those areas.

Conditions for WEMs: Waivers, exceptions or modifications would rarely be granted in these situations, as glaciers and ice field hazards are a fixed condition over the life of a lease. In the event that too broad an area was stipulated and the operator found an acceptable location, an exception would be feasible.

Resource: Soils/Slopes

Stipulation: CSU for areas 56 - 75 percent slopes, moderate erosion or geologic hazard and hydric soils.

Zones Found: 1, 2 and 3.

Justification: The CSU stipulation is needed in these areas because strict environmental controls are necessary to prevent adverse environmental consequences. Surface occupancy will be allowed, but the manner in which development activities will be permitted will be more restricted than standard lease terms would permit.

Application methodology: Forest GIS Slope coverage with 56 – 75 percent slopes selected was used to identify these areas. The map is available in the planning record. Applying this stipulation to specific lands is very basic, using quad maps, aerial photos and field verification. It is one of the first criteria looked at when

processing a lease. Rarely will an entire lease be CSU for soils/slope concerns. The GIS Oil and Gas Stipulations maps in the planning record will be used for locating 56 – 75 percent slope CSU stipulations where they exist in areas over 40 acres. When these conditions exist on area less than 40 acres, the standard lease terms will be enforced and controlled surface use will be allowed.

Conditions for WEMs: Waivers, exceptions or modifications would rarely be granted in these situations, as slopes 56 – 75 percent with moderate erosion or geologic hazards are a fixed condition over the life of a lease. In the event that too broad an area was stipulated and the operator found an acceptable location with slopes less than 56 percent at the APD stage, an exception would be feasible.

Resource: Alpine Environments

Stipulation: CSU

Zones Found: 1, 2 and 3.

Justification: The CSU stipulation is needed in these sensitive ecosystems due to the limited revegetation potential. The CSU stipulation will be used to require any revegetation technique needed to ensure revegetation in these environments. It will also allow for site relocation beyond that which is permitted in the standard lease terms.

Application Methodology: Forest GIS Landform coverage with Rugged and Rounded Mountains (10) selected was used to identify the alpine areas. The map is available in the planning record. Some of the alpine environments in the analysis area may fall within a 75 percent or greater slope class and are NSO because of that criterion. Approximately 11,900 acres of alpine lands will be covered by this CSU stipulation.

Conditions For WEMs: Waivers, exceptions and modifications are not expected in these alpine environments. If the operator demonstrates that the values can be maintained and revegetation can be accomplished, and this is confirmed through Forest Service analysis, an exception may be feasible.

Resource: Developed Recreation Sites (campgrounds, picnic areas, trail heads)

Stipulation: NSO for 1/4-mile around sites, CSU for 1/4-mile around NSO.

Zones Found: None currently.

Justification: The combination of these two stipulations is necessary to protect the setting in developed sites and to maintain and enhance the recreation opportunities, including the visual setting and audible and olfactory environments. This stipulation will also ensure the safety of Forest visitors. The less restrictive stipulations of timing or all CSU will not prevent possible adverse impacts to this resource because timing and CSU are operational stipulations that allow surface occupancy. Any surface occupancy may result in adverse impacts to the recreation resource.

Application Methodology: To apply this stipulation combination to developed recreation sites, the interdisciplinary team identifies the sites to be protected.

Conditions for WEMs: Waivers, exceptions and modifications will rarely occur. The one situation where an exception might be granted is if the stipulation is applied over a broad area and the operator can demonstrate that the values stated above can be met by siting the development within the NSO area. The stipulation may be waived if a recreation site is removed from the recreation management inventory.

Resource: Wildlife (Bald Eagles, Osprey and Northern Goshawks)

Stipulations:

CSU/Timing: No disturbance zone (no activity between March 1 and August 31) within 330 feet of known active bald eagle and osprey nest sites and 660 feet of known goshawk nest sites.

CSU/Timing: Blasting conditions. These conditions apply within one-half mile of eagles or active eagle nests.

Nonbreeding season: September 1 to February 28. Normal blasting procedures are permitted if there is no direct danger to eagles, nests, eagle nest trees, or other eagle habitat elements.

Nest site selection: March 1 to May 31. Controlled blasting is allowed within one-half mile of an active nest provided that:

- the blasting can be accomplished in accordance with the requirements of the Bald Eagle Protection Act;
- written coordination has occurred; and,
- the results of the interagency coordination are documented.

Nesting period: June 1 to August 31. If the nest is unoccupied, the nonbreeding timing conditions above apply. If the nest is occupied, the Nest site selection conditions above apply.

CSU/Timing: Fixed-wing and helicopter flights. Aircraft flights (fixed-wing and helicopter), should maintain a 1,500-foot vertical or horizontal clearance from active nests March 1 to August 31. Heliports and helicopter flight corridors will maintain at least one-quarter mile distance from active nests during the same time period.

Zones Found: 1,2 and 3.

Justification: The Copper River Delta Fish and Wildlife Management Area is known to support populations of bald eagles, osprey and goshawks.

These stipulations are necessary to protect nesting potential for these species. A 330-foot no-disturbance buffer around bald eagle and osprey nest sites while they are active will ensure their solitude and maintain the nesting habitat. A 660-foot no-disturbance buffer around goshawk sites while they are active will ensure their solitude and maintain the nesting habitat.

In addition to the no-disturbance buffer near the nest site, fixed-wing and helicopter flights below 1,500 vertical feet will be prohibited within one-quarter mile of active nests. Heliports and helicopter flight corridors will be located at least at least one-quarter mile distance from active nests.

Blasting within one-half mile of eagles or active eagle nests can result in significant disturbance. The specified conditions will limit disturbance and reduce the potential for injury or mortality to nestlings and adults.

Application Methodology: These stipulations are applied to known active sites of these species. Active means the site is used periodically (some species rotate two or three nesting sites over the years) and maintained in a usable condition. The active status must be field-verified no earlier than March 1.

Surveys to detect additional populations within this area and elsewhere on the Forest are ongoing. If a permit to drill is requested in an area that has not been surveyed, the Forest will need to complete a survey to determine if these raptors exist in the zone of influence of the proposed project. This survey will also identify the anticipated effects of the proposed action on eagles or goshawks or their habitat. The zone of influence of oil and gas exploration activities can only be determined when an analysis is conducted on the surface use plan of operations submitted when a lessee applies for a permit to drill. If the time and funds are not immediately available for the Forest to conduct the survey, the lessee may be requested to assist in the survey or face a delay in the issuance of the permit. If the survey of potential raptor habitat determines that the proposed action may have an adverse effect on nesting site habitat capability, additional restrictions or denial to the lessee's proposal may result.

All disturbance zones are line-of-sight distances up to specified distances. If topography or vegetation provides screening, this distance may be reduced, provided analysis concludes that site integrity can be maintained.

Conditions for WEMs: Waivers, exceptions or modifications could be granted in the event that a nest site existing at the time of lease issuance is totally abandoned or destroyed. The timing stipulation for goshawks may be modified if topographic barriers or vegetative screening can be utilized to protect the value of the nest site. Waivers, exceptions or modifications for the bald eagle conditions will be done in consultation with the U. S. Fish and Wildlife Service under the provisions of the 1989 Interagency Agreement

Resource: Wildlife (Brown Bears)

Stipulations:

CSU/Timing: Manage areas of forest cover approximately 750 feet from both sides of Moderate Gradient/Mixed Control and Flood Plain Class I anadromous stream process groups to provide cover for brown bears while feeding or between brown bears and humans. Within the 750-foot brown bear cover management zone the following activities will not be allowed: new roads and trails parallel to this area; trails or roads could cross at right angles.

Require disposal or removal of garbage from all permanent and temporary facilities, camps or sites to prevent habituation of bears. Require food to be stored in bear-proof containers or by methods that make the food unavailable to bears.

Locate long-term concentrated human activities away from important seasonal brown bear concentrations. A minimum one-mile avoidance distance is recommended but could vary depending on site-specific circumstances.

Zones Found: 1, 2 and 3.

Justification: The Copper River Delta Fish and Wildlife Management Area is known to support populations of brown bears. Brown bear feeding and foraging areas are important for long-term survival. Restrictions on facilities and garbage removal are intended to reduce habituation of bears and to reduce human-bear conflicts.

Application Methodology:

Surveys to classify anadromous fish habitat within this area and elsewhere on the Forest are ongoing. If a permit to drill is requested in an area that has not been surveyed, the Forest will need to complete a survey to determine if these stream process groups exist in the zone of influence of the proposed project. The zone of influence of oil and gas exploration activities can only be determined when an analysis is conducted on the surface use plan of operations submitted when a lessee applies for a permit to drill. If the time and funds are not immediately available for the Forest to conduct the survey, the lessee may be requested to assist in the survey or face a delay in the issuance of the permit. If the survey of Class I anadromous stream habitat determines that the proposed action may have an adverse effect on feeding habitat capability, additional restrictions or denial to the lessee's proposal may result.

Conditions for WEMs: WEMs will be determined in consultation with other agencies in accordance with the Copper River Delta Fish and Wildlife Management Area MOU.

Resource: Wildlife (within Copper River Delta Fish and Wildlife Management Area)

Stipulations:

Timing: Mountain Goat Winter Range - November 1 through May 1. Apply seasonal operating restrictions within one mile of known mountain goat kidding or wintering areas.

Timing: Mountain Goat Kidding Habitat – May 15 through June 15. Apply seasonal operating restrictions within one mile of known mountain goat kidding or wintering areas.

Timing: Fixed-wing and helicopter flights. Aircraft flights (fixed-wing and helicopter), should maintain a 1,500-foot vertical or horizontal clearance from traditional winter habitat during the time goats are present. Avoid overflights above or within 1,500 feet of known mountain goat kidding areas from May 15 through June 15. Pilots will not compromise safety.

Timing: Trumpeter Swan Nesting Habitat – April 1 through August 31. A 2,640-foot (1/2 mile) no-disturbance buffer around active trumpeter swan nests while they are active will ensure their solitude and maintain the viable nesting habitat.

Timing: Seabird Nesting Habitat – April 15 through September 15. Apply seasonal operating restrictions within 750 feet from known seabird colonies consistent with the Migratory Bird Treaty Act.

Timing: Waterfowl and Shorebird Fall – Molting / Concentration Habitat – July 15 through October 31. Human activities should be located away from known waterfowl or shorebird intertidal concentration areas or nesting areas using the following guidance.

- a. Provide a minimum distance of 330 feet between human activities on the ground and waterfowl or shorebird intertidal concentration areas or nesting areas
- b. If the need to restrict road access within these zones is identified during project review, roads may be closed either seasonally or yearlong to minimize adverse effects on waterfowl and shorebird habitats.

Timing: Waterfowl, Seabird and Shorebird Spring Concentration Habitat – March 20 through May 15. Human activities should be located away from known waterfowl or shorebird intertidal concentration areas or nesting areas using the following guidance.

- a. Provide a minimum distance of 330 feet between human activities on the ground and waterfowl or shorebird intertidal concentration areas or nesting areas.
- b. If the need to restrict road access within these zones is identified during project review, roads may be closed either seasonally or yearlong to minimize adverse effects on waterfowl and shorebird habitats.

Timing: Dusky Canada Goose Breeding Habitat – April 20 through August 15. Human activities should be located away from known dusky Canada goose nesting areas using the following guidance.

- a. Provide a minimum distance of 330 feet between human activities on the ground and waterfowl or shorebird intertidal concentration areas or nesting areas.
- b. If the need to restrict road access within these zones is identified during project review, roads may be closed either seasonally or yearlong to minimize adverse effects on waterfowl and shorebird habitats.

Zones Found: 1, 2 and 3.

Justification: The Copper River Delta Fish and Wildlife Management Area is a significant shorebird concentration area, a State Designated Critical Wildlife Habitat and is managed under provisions of an interagency Memorandum of Understanding with The Bureau of Land Management, Fish and Wildlife Service the State of Alaska Department of Fish and Game, and the State of Alaska Department of Natural Resources.

These timing stipulations are necessary to protect the breeding potential of shorebirds, seabirds, waterfowl, dusky Canada geese and trumpeter swan nesting and molting habitats, seasonal concentration areas, and winter survival of mountain goats. Disturbances during critical times may place unnecessary stress on the particular species being protected and cause an increase in mortality. These stipulations are necessary to protect nesting potential for these species.

Application Methodology: These habitats have been identified using Forest Service, U.S. Fish and Wildlife Service and Alaska Department of Fish and Game data. The areas identified are the most important areas for production, nesting and/or wintering of the particular species mentioned.

Surveys to detect additional populations within this area and elsewhere on the Forest are ongoing. If a permit to drill is requested in an area that has not been surveyed, the Forest will need to complete a survey to determine if these birds exist in the zone of influence of the proposed project. This survey will also identify the anticipated effects of the proposed action on seabirds, shorebirds, dusky Canada geese, mountain goats, and trumpeter swans or their habitats.

The zone of influence of oil and gas exploration activities can only be determined when an analysis is conducted on the surface use plan of operations submitted when a lessee applies for a permit to drill. If the time and funds are not immediately available for the Forest to conduct the survey, the lessee may be requested to assist in the survey or face a delay in the issuance of the permit. If the survey of potential trumpeter swan habitat determines that the proposed action may have an adverse effect on nesting site habitat capability, additional restrictions or denial to the lessee's proposal may result.

Conditions for WEMs: WEMs will be determined in consultation with other agencies in accordance with the Copper River Delta Fish and Wildlife Management Area MOU.

Resource: Fisheries – Anadromous Fish Habitat

Stipulation: CSU - Best Management Practices (BMPs) are required to protect known and suspected anadromous and resident salmonid habitat. Surveys to identify remnant populations of these fish may be requested prior to issuance of a permit to drill.

Zones Found: 1, 2 and 3.

Justification: BMPs found in FSH 2509.22, R-10 Amendment 2509.22-96-1, must be used in areas where activity could potentially affect known and suspected populations of anadromous and resident salmonids. These BMPs will

be used to minimize erosion, prevent sediment from entering perennial and intermittent stream courses, avoid stream crossings and ensure protection of floodplains, riparian zones and water quality.

Application Methodology: Forest GIS Stream coverage with selected fish species was used to identify these areas. The map is available in the planning record. The watersheds in the Katalla area are known to harbor populations of chum, coho, king, pink and sockeye salmon as well as resident trout and char. Surveys to detect additional populations within these watersheds and elsewhere on the Forest are ongoing. If a permit to drill is requested in an area that has not been surveyed, the Forest will need to complete a survey to determine if fish exist in the zone of influence of the proposed project. This survey will also identify the anticipated effects of the proposed action on fish or its habitat. The zone of influence of oil and gas exploration activities can only be determined when an analysis is conducted on the surface use plan of operations submitted when a lessee applies for a permit to drill. If the time and funds are not immediately available for the Forest to conduct the survey, the lessee may be requested to assist in the survey or face a delay in the issuance of the permit. If the survey of potential salmonid habitat determines that the proposed action may have an adverse effect on rearing and spawning habitat capability even if BMPs are followed, additional restrictions or denial to the lessee's proposal may result.

Conditions for WEMs: In some cases, BMPs in salmonid habitat may not be required if the proposed development will not directly or indirectly impact any streams within the watershed. If surveys for salmonid occurrence have already been completed in the analysis area of the proposed action, no further survey will be requested, although BMPs may still be required.

Resource: Eligible Wild and Scenic Rivers

Stipulation: NSO.

Zones Found: 1, 2 and 3.

Justification: The NSO stipulation is required to maintain the river segment in a condition that makes it eligible for wild and/or scenic designation. This can be accomplished with the NSO stipulation.

Application Methodology: This stipulation is applied to eligible Wild River and eligible Scenic River corridors, which are identified in the Forest GIS Wild and Scenic River coverage. The map is available in the planning record. This stipulation would not prohibit surface occupancy somewhere on a 160-well-spacing unit.

Conditions for WEMs: This stipulation may be waived if sometime after the lease is issued, the river segment is declared unsuitable for wild and/or scenic designation.

Lease Notices

Lease notices may be used to inform the potential lessee of existing laws, lease terms, regulations, operational orders, or any information that may be useful or important for the lessee to know prior to purchasing a lease. Lease notices are

not an enforceable attachment to the lease like a stipulation is. The lease notice does, in many cases, describe other laws or limitations that are enforceable, either under the law cited or under the standard lease terms. The following resources will be handled through lease notices:

- **Special-Uses** – Special uses such as communication sites, outfitter/guide camps, snowmobile trails, or any permitted special use. Standard terms and conditions of the lease form (section 6) require that operations be conducted to minimize the impacts to other Forest users;
- **Threatened and Endangered Species** - A lease notice will be attached to new leases where site-specific surveys show the presence of wildlife, fish or plant species listed as federal threatened and endangered species. The lease notice will require consultation with the Fish and Wildlife Service prior to the approval of any ground-disturbing activities. NSO may be allowed if occupancy will be detrimental to the population or its habitat; and,
- **Active or Planned Timber Sale Areas** - In order to protect the rights of timber purchasers and to reduce conflicts, lease notices will be used when sale activities are planned for areas within prospective leases. The lease notice will require that any surface use plan of operation submitted by the lessee must minimize potential conflict with timber purchasers operations to the satisfaction of the Forest Service Contracting Officer.

Conditions Of Approval

A Condition of Approval (COA) is generated at the time of site-specific analysis when a Surface Use Plan of Operations has been received. Plans are received for geophysical exploration, exploratory drilling and production. These plans may be submitted separately or as a comprehensive package. COAs may not unduly hinder or preclude the lessee's opportunity to exercise valid existing lease rights. COAs may only be applied if they are consistent with the lease terms or are the result of information that was unknown at the time of leasing.

The review of the Proposed Surface Use Plans of Operations will be disclosed in an environmental analysis and decision document. The mitigation measures in this appendix provide examples of post-lease environmental protection the Forest Service may require at the time of APD. Any COA listed here will be adjusted to meet the needs of the site-specific analysis.

COAs may be applied to all oil and gas activities including associated rights-of-way. The Authorized Forest Officer may select from or adjust the COAs to mitigate or avoid environmental impacts. New COAs may be developed at the time of APD if currently unforeseen impacts are identified and the new COAs conform to the rights of the lessee and are consistent with this plan and subsequent amendments.